

Sunstein be modified to provide that the vote on confirmation occur at 3:40 p.m., with the other provisions remaining in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is, will the Senate advise and consent to the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget?

The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. BYRD) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—57

Akaka	Franken	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Bennet	Harkin	Nelson (FL)
Bennett	Hatch	Reed
Bingaman	Inouye	Reid
Brown	Johnson	Rockefeller
Burris	Kaufman	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Voinovich
Durbin	Lugar	Warner
Feingold	McCaskey	Whitehouse
Feinstein	Menendez	Wyden

NAYS—40

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Begich	Graham	Pryor
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hutchison	Sanders
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Corker	LeMieux	Webb
Cornyn	Lincoln	Wicker
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—2

Boxer Byrd

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate shall resume legislative session.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 3288, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3288) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$100,975,000, of which not to exceed \$2,631,000 shall be available for the immediate Office of the Secretary; not to exceed \$986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,359,000 shall be available for the Office of the General Counsel; not to exceed \$10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed \$10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$26,265,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,123,000 shall be available for the Office of Public Affairs; not to exceed \$1,711,000 shall be available for the Office of the Executive Secretariat; not to exceed \$1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed \$9,072,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$13,263,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107-71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$1,100,000,000, to remain

available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural communities, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than \$10,000,000 and not greater than \$300,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than \$250,000,000 of the funds provided under this heading shall be for projects located in rural communities: Provided further, That for projects located in rural communities, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted so sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$8,233,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$147,500,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services